

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6675**

**BILL NUMBER:** SB 180

**NOTE PREPARED:** Dec 26, 2007

**BILL AMENDED:**

**SUBJECT:** Child Abduction and Seduction.

**FIRST AUTHOR:** Sen. Lubbers

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** This bill has the following provisions:

*Child Seduction:* It provides that a person who is at least 18 years of age commits child seduction if: (1) the person is affiliated with a school corporation, charter school, or nonpublic school; (2) the person engages in sexual conduct with a student who attends the school; and (3) the student is at least 16 and less than 18 years of age.

*Interference with Custody Rights* It makes interference with custody rights by taking, detaining, or concealing a child within Indiana a Class D felony, and increases the penalty to: (1) a Class C felony if the child is removed to a location outside Indiana; and (2) a Class B felony if the child is removed to another country or if the person fails to return the child from another country.

**Effective Date:** July 1, 2008.

**Explanation of State Expenditures:** *Summary:* State expenditures would increase if an offender is incarcerated in a state prison for a longer period of time or if more offenders are convicted of offenses. The bill increases the penalties associated with interference with custody rights and changes the definitions associated with child seduction, expanding the pool of potential violators.

**Background:** *Child Seduction:* Under current law, a child care worker is defined as a person employed by a school corporation or a nonpublic school. Under the bill, compensation is not a consideration and charter schools are included in the definition of child care worker. Child Seduction is a Class D felony.

*Interference with Custody Rights:* The underlying penalty for interference with custody is a Class D felony if the child is removed from Indiana or a Class C misdemeanor if the child is taken, detained, or concealed. Under the bill, the underlying offenses increase to a Class C felony and a Class D felony, respectively. The bill also makes these additional changes:

- It eliminates Class C felony interference with custody when the person is less than 14 years old and is not the person's child.
- It adds to interference with custody, a Class B felony, removing a child to another country or failing to return a child from another country.
- It increases the penalty from a Class B misdemeanor to a Class C felony if the taking, concealment, or detention is in violation of a court order.

The following penalties apply to the offenses.

Crime Class Category	Sentence Range	Average Length of Stay in a DOC Facility
Class B Felony	6 to 20 years	3.7 years
Class C Felony	2 to 8 years	2 years
Class D Felony	6 months to 3 years or Reduction to Class A misdemeanor	10 months
Class B Misdemeanor	Up to 180 days in local jail	N/A
Class C Misdemeanor	Up to 60 days in local jail	N/A

The average expenditure to house an adult offender was \$19,185 in FY 2007. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$63,138.

**Explanation of State Revenues:** *Interference with Custody Rights:* Criminal court fees are the same for all felonies and misdemeanors. The maximum criminal fine for a Class B, C, or D felony is \$10,000. By increasing the penalty from a Class B or Class C misdemeanor to a Class C or Class D felony, more revenue for the Common School Fund could be collected if a larger criminal fine is assessed by the sentencing court. The maximum criminal fine for a Class B misdemeanor is \$1,000 and for a Class C misdemeanor is \$500.

**Explanation of Local Expenditures:** *Interference with Custody Rights:* If an offender is sentenced to state prison rather than to a county jail, the costs to the county may be reduced. The average daily cost to incarcerate a prisoner in a county jail is roughly \$44.

**Explanation of Local Revenues:** Court fees for both misdemeanors and felonies are \$120.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs' Association; Department of Correction.

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